United Nations CERD/C/LTU/CO/6-8

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined sixth to eighth periodic reports of Lithuania*

1. The Committee considered the combined sixth to eighth periodic reports of Lithuania (CERD/C/LTU/6-8) at its 2399th and 2400th meetings (see CERD/C/SR.2399 and 2400), held on 27 November 2015. At its 2412th and 2413th meetings, held on 7 and 8 December 2015, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined sixth to eighth periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee wishes to commend the State's regularity in reporting and welcomes the open and constructive dialogue with the State party's high-level delegation.

B. Positive measures

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The amendments to the Criminal Code on human trafficking and the sale or purchase of children for any exploitative purposes, in 2012;

(b) The Code of Administrative Offences, in 2015, which establishes as aggravating circumstances hatred and discrimination on the grounds of race and ethnicity;

(c) The action plan for Roma integration into Lithuanian society for 2015-2020, in 2015;

(d) The inter-institutional action plan for the promotion of non-discrimination for 2015-2017;

(e) The strategy for development, to 2015, of the national minorities policy;

(f) The National Programme on Equal Opportunities for Women and Men for 2015-2021;

* Adopted by the Committee at its eighty-eighth session (23 November-11 December 2015).

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(g) The inter-institutional action plan for the national programme on crime prevention and control for 2013-2015;

(h) The establishment of the Department of National Minorities, in 2015.

C. Concerns and recommendations

Grounds for discrimination in the legislation

4. The Committee is concerned that the definition of racial discrimination in relevant articles of the Criminal Code does not contain all grounds for discrimination as set forth in article 1 of the Convention (art. 1).

5. **The Committee recommends that the State incorporate all grounds for discrimination into the definition of racial discrimination contained in its legislation, in compliance with article 1 of the Convention.**

Draft law on national minorities

6. The Committee regrets that, despite the Committee's previous recommendation, the State party has not yet adopted the draft law on national minorities (art. 2).

7. **The Committee recommends that the State party speed up the consideration and adoption of the draft law on national minorities.**

Provision of data

8. While taking note of the position of the State party with regard to the collection of data based on ethnicity, the Committee regrets that the State party has not provided recent, reliable and comprehensive data on indicators that would enable: a better understanding of the situation of persons belonging to vulnerable groups, such as minorities and migrants, as well as refugees, asylum seekers and stateless persons, vis-à-vis the problems encountered in the enjoyment of economic, social and cultural rights; and a better evaluation of the impact of the anti-discrimination legislation and the various programmes, strategies and plans adopted by the State party.

9. **The Committee recommends that the State party make efforts to obtain available recent, reliable and comprehensive data on economic and social indicators based on nationality and ethnicity, in order to ensure better assessments of the extent of the enjoyment of economic, social and cultural rights by ethnic and national minorities and migrants and of the concrete results of the application of the State's anti-discrimination legislation and relevant plans, programmes and strategies.**

National human rights institution

10. While taking note of information provided by the delegation of the State party on the creation of a human rights office within the office of the Seimas Ombudsman, the Committee is concerned that the State party has not yet established an national human rights institution with a broad mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

11. **The Committee recommends that the State party establish an independent national human rights institution with a broad mandate and provide it with adequate financial and human resources, in full compliance with the Paris Principles. The Committee encourages the State party to seek the support and advice of the Office of the United Nations High Commissioner for Human Rights in that process.**

Resources for human rights institutions

12. While noting information provided by the delegation of the State party, the Committee is concerned at reports that institutions dealing with issues related to racial discrimination, including the Equal Opportunities Ombudsman and the Department of National Minorities, continue to lack sufficient financial and human resources to properly carry out their activities (art. 2).

13. **The Committee recommends that the State party provide the Equal Opportunities Ombudsman and the Department of National Minorities with sufficient resources to enable them to fully and properly implement their mandates.**

Hate speech, including over the Internet, and incitement to hatred

14. The Committee is concerned at reports of instances of hate speech and discriminatory statements by politicians and in the media and other public platforms, including the Internet, amounting to incitement to racist hatred, intolerance, stereotyping, prejudice and stigmatization of persons belonging to vulnerable groups. The Committee is also concerned at reports that criminal provisions, namely those of article 170 of the Criminal Code, that penalize discriminatory expressions and hate speech are not always adequately and effectively applied to prevent and protect against hate speech, in particular with regard to the registration of cases, investigations and the prosecution of those responsible. While noting that some cases have been addressed, the Committee remains concerned about the leniency of sanctions imposed on those responsible. The Committee is further concerned about the lack of a long-term strategy aimed at firmly combating hate speech (arts. 2 and 4-6).

15. **In the light of its general recommendations No. 7 (1985) and No. 15 (1993) relating to the implementation of article 4 of the Convention and No. 30 (2004) on discrimination against non-citizens, and recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee reminds the State party of the importance of safeguarding the rights of groups in need of protection against racist hate speech and incitement to hatred and recommends that the State party take appropriate measures to:**

(a) **Strongly condemn and distance itself from racist hate speech and discriminatory statements emanating from certain politicians and media, including those published on the Internet, and call upon politicians and media professionals to ensure that their public statements do not contribute to fuelling intolerance, stigmatization and incitement to hatred;**

(b) **Ensure that all reported cases of hate speech are registered and investigated effectively under the Criminal Code, and that the persons responsible are prosecuted, where appropriate, and, if found guilty, punished with adequate penalties;**

(c) **Continue to collect and make available statistics on the hate speech cases that have been reported, the number of cases brought to court and the outcome of these cases;**

(d) **Increase awareness-raising campaigns and other measures to counter hate speech, develop a long-term strategy to adequately combat hate speech and follow up on cases brought to the office of the inspector of journalist ethics.**

Racist hate crimes

16. The Committee is concerned about reports of incidents of racist hate crime in the State party targeting individuals belonging to ethnic and national minorities as well as migrants; about the underreporting and insufficient recording of hate crimes; that hate

crimes are not always properly investigated; about the low number of hate crimes brought before domestic courts; and about the possibility that the *ultima ratio* principle may be applied by courts in such a way as to prevent the State party from properly investigating some hate crime cases (arts. 4 and 6).

17. **In the light of its general recommendation No. 7, the Committee recommends that the State party strengthen its efforts to combat hate crimes effectively. It should:**

(a) **Effectively investigate all reported instances of hate crime, prosecute those responsible and, in the event of a conviction, punish perpetrators with appropriate penalties; it should also ensure that the principle of *ultima ratio* is not applied restrictively to hate crime cases;**

(b) **Continue to provide adequate training to police officers, the judiciary and all law enforcement officers on how to address hate crime;**

(c) **Improve the systematic registration and recording of allegations of hate crime that are reported to the police and take measures to facilitate the lodging of complaints by victims of hate crime;**

(d) **Provide the Committee with statistical data on complaints, investigations, convictions and sanctions for acts categorized as hate crimes;**

(e) **Take appropriate measures to increase the confidence of vulnerable groups in the State party's institutions and mechanisms responsible for addressing racist hate crimes.**

Xenophobic marches and racist propaganda

18. While noting explanations provided by the delegation of the State party, the Committee is concerned about reports of marches and demonstrations of xenophobic and racist character during which anti-Semitic, xenophobic and racist slogans are common and amount to racist propaganda (arts. 2 and 4).

19. **In the light of its general recommendation No. 7, the Committee recommends that appropriate and effective measures be taken by the authorities to ensure that public demonstrations do not degenerate into racist, xenophobic and anti-Semitic activities and propaganda by persons or groups. The Committee also recommends that the State party apply its criminal legislation and, as appropriate, carry out investigations and prosecute the individuals or groups responsible, and consider dissolving such organizations in accordance with Law No. XI-330 of July 2009 and article 4 of the Convention.**

The situation of Roma

20. The Committee takes note of reported improvements in the situation of Roma following successive programmes implemented by the State party, in particular in the areas of education and employment. However, it remains concerned that Roma continue to be the most disadvantaged group in the State party, facing stereotypes, prejudice and intolerance, as well as difficulties in a number of areas, such as education, access to the labour market, health care and adequate and social housing; that despite efforts made by the State party, the illiteracy rate of Roma children remains high and they continue to face problems such as language barriers, early school dropout and absenteeism and limited access to secondary and higher education; and that the housing conditions for Roma are inadequate, in particular in the Kirtimai settlement in the Municipality of Vilnius, where dwellings are reportedly being demolished (arts. 3 and 5).

21. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

(a) **Continue its efforts to firmly combat racial discrimination against Roma and address the challenges that Roma continue to face in the areas of employment, education and housing;**

(b) **In particular, bearing in mind the Committee's general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination and in the context of the new action plan for Roma integration for 2015-2020, reinforce the special measures to reduce the illiteracy rate and the school dropout rate and to improve the attendance and language skills of Roma children;**

(c) **Find durable solutions to the housing issues of Roma, including by providing them with social housing in the context of the action plan for greater social inclusion for 2014-2020, and pay particular attention to the housing situation of Roma in the Kirtimai settlement and provide them with alternative solutions in consultation with Roma communities;**

(d) **Allocate adequate funding for all programmes, strategies and other policies relating to the integration of Roma and for the evaluation of the impact of those measures.**

22. The Committee is concerned at reports that some Roma lack identity documents, which may prevent them from fully benefiting from social services and may render some of them stateless (art. 5).

23. **The Committee recommends that the State party take proactive measures to provide Roma with identity documents. The Committee recommends that the State party, to that end, raise awareness among Roma families about the necessity of possessing identity documents and of civil registration and about the relevant documentation and registration procedures. The Committee also recommends that the State party raise awareness among Roma communities about the law on citizenship of 2011 and the procedures for obtaining citizenship.**

Enjoyment of economic, social and cultural rights by minorities

24. The Committee is concerned about reports that, despite various measures taken by the State party, many persons belonging to national and ethnic minorities, including women belonging to these groups, experience racial stereotyping and discrimination that negatively affect their access to the labour market. The Committee is also concerned at the lack of statistical data on the representation of minorities in public and political life. It is further concerned that, despite a ruling of the Constitutional Court, a satisfactory solution to the issue of the use of names in identity documents in a language other than Lithuanian has not yet been found (arts. 2 and 5).

25. **The Committee recommends that the State party closely monitor the effective application of the anti-discrimination legislation and consider taking special measures to foster the integration of national and ethnic minorities into society, in particular in the labour market, paying particular attention to the situation of minority and migrant women, taking into account the Committee's general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination. The Committee also recommends that the State party collect and provide information on the level of representation of minorities in public affairs, including in the police, with a view to improving such representation. The Committee further recommends that the State party provide information on the implementation of the Constitutional Court's ruling**

on the use of names in languages other than Lithuanian in identity cards for persons belonging to minorities.

Stateless persons, refugees and asylum seekers

26. Despite the decrease in the number of stateless persons in the State party, the Committee is concerned that the phenomenon of statelessness persists and that, pursuant to the law on citizenship, a person could be left stateless under certain conditions. The Committee notes that the State party has agreed to host more than 1,000 refugees, to be received by January 2016, in line with the European Union relocation plan, and that there is a need to reassess the reception conditions and integration processes associated with this situation (art. 5).

27. **The Committee recommends that the State party consider further facilitating the naturalization process of stateless persons who have been living in its territory and raise their awareness of the new law on citizenship, while monitoring closely the application of the provisions of that law under which a person can be deprived of citizenship and left stateless. The Committee also recommends that the State party take adequate measures to improve the reception conditions and the integration of refugees and asylum seekers.**

Trafficking in persons

28. The Committee takes note of measures taken by the State party to combat trafficking in persons, such as the amendments made to the Criminal Code in 2012, the third national programme for the prevention and control of trafficking in human beings (2009-2012) and the inter-institutional action plan for the national programme on crime prevention and control for 2013-2015. However, the Committee is concerned that the State party remains a country of origin, transit and destination for human trafficking, which reportedly has increased. The Committee is also concerned at the low number of investigations and prosecutions for trafficking. It is further concerned at the lack of information on measures to support victims of trafficking and forced labour (arts. 2, 5 and 6).

29. **Taking into account its general recommendations No. 30 and No. 25, the Committee recommends that the State party: (a) take effective measures to prevent human trafficking, in particular of women and girls, including effective enforcement of its anti-trafficking legislation and enhancement of international cooperation to combat trafficking; (b) investigate effectively all cases of human trafficking, prosecute, as appropriate, those responsible and provide redress and support to victims; (c) continue to conduct awareness-raising campaigns on the prevention of trafficking that target the most vulnerable segments of its population; and (d) provide the police, prosecutors, judges and migration and border officers with specialized training on the Convention and relevant international human rights instruments.**

Reparation for acts of racial discrimination

30. While noting explanations provided by the delegation of the State party, the Committee is concerned at the lack of information on the effective application of legislative and other measures aimed at providing reparation to victims for acts of racial discrimination (art. 6).

31. **The Committee urges the State party to adopt the draft laws implementing the European Union victims directives as a means to provide reparation for victims of racial discrimination.**

D. Other recommendations

Ratification of other treaties

32. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Follow-up to the Durban Declaration and Programme of Action

33. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

34. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party includes in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

Consultations with civil society

35. **The Committee recommends that the State party consult and expand its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of its next periodic report and in follow-up to the present concluding observations.**

Amendment to article 8 of the Convention

36. **The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Declaration under article 14 of the Convention

37. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.**

Common core document

38. **The Committee encourages the State party to update its core document, which dates to 1998, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for common core documents.**

Follow-up to the present concluding observations

39. **In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 7, 27, 31 and 36 above.**

Paragraphs of particular importance

40. **The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 11, 17 and 21 above, and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.**

Dissemination of information

41. **The Committee recommends that the State party's reports be made readily accessible to the general public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.**

Preparation of the next periodic report

42. **The Committee recommends that the State party submit its combined ninth and tenth periodic reports, as a single document, by 9 January 2018, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**